

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RICHARD DIAZ

PETITIONER

VS.

CIVIL ACTION NO. 3:13-cv-850(DCB)(MTP)

B. MOSELY

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 11**), to which no objections were filed by the Petitioner. Having carefully reviewed same, the Court finds that the Petitioner is not entitled to pursue his claims in a writ of habeas corpus under 28 U.S.C. § 2241. As for the Petitioner's Due Process claim, there was clearly "some evidence" to support the Disciplinary Hearing Officer's findings and the Petitioner's disciplinary conviction. Finally, the relatively mild punishment the Petitioner received is not grossly disproportionate to his offenses. Therefore, the Court adopts the Report and Recommendation, and shall dismiss the Petition for Writ of Habeas Corpus with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 11**) is ADOPTED as the findings and conclusions of this Court;

IT IS FURTHER ORDERED that the Petition be dismissed with prejudice.

A Final Judgment dismissing the Petition with prejudice will follow in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED, this the 27th day of October, 2016.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE